

June 25, 2012

DRAFT

Mr. Jeff King, King and MacGregor Environmental, Inc.
2520 Woodmeadow Drive SE
Grand Rapids, Michigan 49546

Dear Mr. King:

SUBJECT: Michigan Department of Environmental Quality (MDEQ)
File Number 11-52-0075-P
T47N, R29W, Section(s) 2, Champion, Michigamme, Ishpeming and Ely
Townships, Marquette County

Due to the short time frame remaining for DEQ to complete review of your application, this letter is to summarize and advise you of application information we are awaiting for review. Please submit the following information as discussed, as soon as possible:

1. A final wetland mitigation plan, which ~~is proposed to provide~~ include a combination of wetland creation for non-rare emergent and scrub wetlands ~~proposed to be impacted by the project~~, and preservation of S-3/G-4 designated wetlands ~~proposed to be impacted by the project~~. The information submitted as part of the wetland mitigation plan must include the following:
 - Documentation, by wetland community type, to show that the proposed preservation replaces the functions and values of the wetlands ~~proposed to be impacted~~, by type.
 - Documentation to show that the areas proposed as preservation area meets the requirements of R281.925 Rule 5(4)(d). Please reference especially Rule 5(4)(d)-(ii) regarding "demonstrable threat of loss or substantial degradation due to human activities not under the control of the applicant". Please note ~~this rules out that~~ justification of threat to a proposed preservation area due to being bisected by or otherwise threatened by the proposed road will not be considered as meeting this requirement. ~~Threat of logging will only be considered to apply where there is documentation that merchantable timber is present within or on the proposed preservation area. Only the preservation of large, non-segmented, and intact wetland communities meeting all of the Rule 5(4)(d) requirements for preservation will be considered as acceptable mitigation. The replacement of lost functions and values of the impacted wetlands must be clearly demonstrated.~~
 - Complete plant species lists and specific community descriptions must be provided for all areas ~~the~~ proposed for preservation areas.
 - For impacts to rare and imperiled (S-3/G-4) wetlands a 5:1 mitigation ratio as creation is required for impacts to rare and imperiled (S-3/G-4 wetlands), or a 12:1 preservation mitigation ratio is required. A rare and imperiled status must be considered for proposed impacts to wetlands located at Station 1425, which contains the state-threatened Narrow-leaved Gentian. All wetlands proposed to be impacted containing threatened or endangered species must be designated as rare and imperiled.

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- Documentation to show how the functions and values of proposed preservation wetlands would be maintained following completion of the after-road construction project (the necessity for protection of upland buffers to protect hydrology, long term management, third party stewardship of the preservation areas, for example).

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- Clarify and quantify temporary wetland impacts for the proposed road route, and for alternatives evaluated for the application (Mulligan East and West, and CR510/Red Road). A new public notice may be necessary, since these impacts were not included in the previously public noticed application. Clarify what is meant by the stated potential for 1000 square feet of temporary wetland impacts (including wetland types to be impacted), as included in the original application materials. For temporal loss in wetland functions resulting from temporary impacts a 1:1 mitigation may be required and should be proposed as a component of the wetland mitigation plan.

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2. A final stream mitigation plan for at least one stream mitigation project by each impacted HUC8 watershed, based on lineal feet of proposed stream impacts per watershed, including:

- Mitigation for stream impacts from excavation, reconstruction and relocation must be included, in addition to stream mitigation that for the proposed 984 feet of new stream enclosure. These impacts must first be demonstrably minimized (currently 646 feet of stream channel reconstruction is proposed) and defined (no lineal feet of lost stream channel to relocation is included in the application information to date).

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- Documentation to show that lost stream functionality would be replaced by the proposed mitigation measures.

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- Review proposed stream channel excavation and reconstruction, and justify and minimize these impacts. Include relocated stream channels in lineal feet of stream impact to be mitigated (see item 1, above).

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~~3. A rare and imperiled status must be considered for impacts to wetlands located at Station 1425, which contains the state-threatened Narrow-leaved Gentian. All wetlands proposed to be impacted, containing threatened or endangered species must be designated as rare and imperiled.~~

~~4. Clarify and quantify temporary wetland impacts for the proposed road route, and for alternatives evaluated for the application (Mulligan East and West, and CR510/Red Road). A new public notice may be necessary, since these impacts were not included in the previously public noticed application. Clarify what is meant by the stated potential for 1000 square feet of temporary wetland impacts (including wetland types to be impacted), as included in the original application materials. 1:1 mitigation may be required for temporal loss in wetland functions resulting from temporary impacts.~~

~~5. Review proposed stream channel excavation and reconstruction, and justify and minimize these impacts. Include relocated stream channels in lineal feet of stream impact to be mitigated (see item 1, above).~~

~~6. Add construction detail for bank full shelves to the stream crossing cross section drawings.~~

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~~37.~~ Submit a final comprehensive application including all addendums and revisions to the application since January 23, 2012, as follows:

- It is requested that you provide a "clean copy" demarking the revised items in bold. The next page of the submittal following each revised page will contain a detailed explanation of the revisions referenced on the previous page. Page identification must be done in a clear manner.
- Drawings will include a revision box for revision explanation and details, as discussed.
- All replaced documents from the original application will be included and marked "Superceded".
- You are requested to provide a cover letter summarizing the addendums and revisions to the original application, and including an analysis of the comprehensive application in regard to the existing public notice for clarification of whether the proposed impacts have increased or decreased.

~~48.~~ It is expected that the final comprehensive application will propose utilizing the feasible and prudent alternative of the Wolf Lake Road route to minimize impacts to aquatic resources in the southern portion of the proposed CR 595 route.

Thank you for your attention to this matter. If you have any questions, please contact me at 906-346-8555; caseys@michigan.gov; or Michigan Department of Environmental Quality, Water Resources Division, Upper Peninsula District Office Office, 420 5th St., Gwinn, Michigan 49841. Or, you may contact Ms. Ginny Pennala at 906-0346-8559; pennalav@michigan.gov; at the same street address. Please include your file number 11-52-0075-P, in your response.

Sincerely,

Steve Casey
Upper Peninsula District Office
District Supervisor
Water Resources Division

Cc: Mr. Jim Iwanicki, Marquette CRC
Ms. Melanie Haveman, EPA